

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

THE CHOICE IS YOURS, INC. and
JAMES SMALLWOOD,

Plaintiffs,

v.

CIVIL ACTION NO. 14-1804

THE CHOICE IS YOURS, DISTRICT
ATTORNEY SETH WILLIAMS;
PHILADELPHIA DISTRICT ATTORNEY'S
OFFICE, MAYOR WILSON GOODE;
PUBLIC/PRIVATE VENTURES;
PHILADELPHIA LEADERSHIP
FOUNDATION; REP. DWIGHT EVANS and
OGONTZ AVENUE REVITALIZATION
CORP.,

Defendants.

ANSWER AND AFFIRMATIVE DEFENSES OF DEFENDANT
OGONTZ AVENUE REVITALIZATION CORPORATION

Defendant Ogontz Avenue Revitalization Corp. ("OARC"), by and through its undersigned counsel, hereby states its Answer and Affirmative Defenses to the Complaint of The Choice is Yours, Inc. and James Smallwood,¹ and in support thereof, avers as follows²:

¹ It should be noted that Defendant Ogontz Avenue Revitalization Corp. ("OARC") states its Answer and Affirmative Defenses only with respect to the Complaint claims specifically relating to OARC. Defendant OARC has no knowledge of the facts or allegations relating to any other defendant or defendants named in the Complaint.

² Defendant OARC asserts a continuing objection to the allegations in the Complaint as vague, ambiguous and generally incomprehensible; with each paragraph containing multiple allegations, many of which are based on a false premise and often fail to even specify the party against whom the allegations are asserted. As such, the Complaint fails to meet the standards for notice pleadings and should be stricken. Notwithstanding, these objections Defendant OARC has attempted to respond to the best of its ability.

Preamble

1. Denied.

2. Denied. Defendant OARC is without knowledge or information sufficient to form a belief about the truth of the allegations set forth in Paragraph 2 of the Complaint and, accordingly, said allegations are denied.

3. Denied as stated. Defendant OARC admits only that State Representative Dwight Evans (“Evans”) along with other concerned citizens from the community founded OARC many years ago, that certain representatives of OARC met with Plaintiff Smallwood to discuss his program, and that Rep. Evans was present at one of those meetings. The remaining allegations in Paragraph 3 of the Complaint are denied.

4. Denied. The allegations in paragraph 4 of the Complaint do not relate in any way to OARC and are denied.

5. Denied. The allegations in Paragraph 5 of the Complaint do not relate to Defendant OARC in any way and are denied.

6. Denied. The allegations in Paragraph 6 of the Complaint do not relate to Defendant OARC in any way and are denied.

7. Denied.

8. Denied. The allegations in Paragraph 8 of the Complaint do not relate to defendant OARC in any way and are denied.

9. Denied. The allegations in Paragraph 9 of the Complaint do not relate to Defendant OARC in any way and are denied.

10. Denied. The allegations in Paragraph 10 of the Complaint state conclusions of law to which no response is required and are denied. To the extent that it is deemed that said

paragraph states factual allegations that relate in any way to Defendant OARC, said allegations are denied.

11. Denied. Paragraph 11 is incomprehensible and fails to comport with the Federal Requirements of notice pleadings. To the extent that Paragraph 11 purports to state any allegations relating to Defendant OARC, said allegations are denied.

12. Denied. Paragraph 12 is incomprehensible and fails to comport with the Federal Requirements of notice pleadings. To the extent that Paragraph 12 purports to state any allegations relating to Defendant OARC, said allegations are denied.

13. Denied. The allegations in Paragraph 13 of the Complaint represent conclusions of law to which no response is required and, accordingly, said allegations are denied. By way of further response, the allegations in Paragraph 13 of the Complaint do not relate to Defendant OARC in any way and are denied.

14. Denied. Defendant OARC is without knowledge or information sufficient to form a belief about the truth of the allegations set forth in Paragraph 14 of the Complaint and, accordingly, said allegations are denied.

15. Denied. Defendant OARC is without knowledge or information sufficient to form a belief about the truth of the allegation set forth in Paragraph 15 of the Complaint and, accordingly, said allegation is denied.

16. Denied. Defendant OARC is without knowledge or information sufficient to form a belief about the truth of the allegations set forth in Paragraph 16 of the Complaint and, accordingly, said allegations are denied.

17. Denied. Defendant OARC is without knowledge or information sufficient to form a belief about the truth of the allegations set forth in Paragraph 17 of the Complaint and, accordingly, said allegations are denied.

18. Denied. Defendant OARC is without knowledge or information sufficient to form a belief about the truth of the allegations set forth in Paragraph 18 of the Complaint and, accordingly, said allegations are denied.

19. Denied. Defendant OARC is without knowledge or information sufficient to form a belief about the truth of the allegations set forth in Paragraph 19 of the Complaint and, accordingly, said allegations are denied.

20. Denied. Defendant OARC is without knowledge or information sufficient to form a belief about the truth of the allegations set forth in Paragraph 20 of the Complaint and, accordingly, said allegations are denied.

21. Denied. The allegations in Paragraph 21 of the Complaint state conclusions of law to which no response is required. To the extent that Paragraph 21 of the Complaint purports to state allegations of fact that relate to OARC, said allegations are denied.

22. Denied. Defendant OARC is without knowledge or information sufficient to form a belief about the truth of the allegation set forth in Paragraph 22 of the Complaint and, accordingly, said allegation is denied.

23. Denied. Defendant OARC is without knowledge or information sufficient to form a belief about the truth of the allegation set forth in Paragraph 23 of the Complaint and, accordingly, said allegation is denied.

24. Denied. Defendant OARC is without knowledge or information sufficient to form a belief about the truth of the allegations set forth in Paragraph 24 of the Complaint and, accordingly, said allegations are denied.

25. Denied. Defendant OARC is without knowledge or information sufficient to form a belief about the truth of the allegations set forth in Paragraph 25 of the Complaint and, accordingly, said allegations are denied.

26. Denied. Defendant OARC is without knowledge or information sufficient to form a belief about the truth of the allegations set forth in Paragraph 26 of the Complaint and, accordingly, said allegations are denied.

27. Denied. Defendant OARC is without knowledge or information sufficient to form a belief about the truth of the allegations set forth in Paragraph 27 of the Complaint and, accordingly, said allegations are denied.

28. Denied. Defendant OARC is without knowledge or information sufficient to form a belief about the truth of the allegations set forth in Paragraph 28 of the Complaint and, accordingly, said allegations are denied.

29. Denied. Defendant OARC is without knowledge or information sufficient to form a belief about the truth of the allegations set forth in Paragraph 29 of the Complaint and, accordingly, said allegations are denied.

30. Denied. Defendant OARC is without knowledge or information sufficient to form a belief about the truth of the allegations set forth in Paragraph 30 of the Complaint and, accordingly, said allegations are denied.

31. Denied. Defendant OARC is without knowledge or information sufficient to form a belief about the truth of the allegations set forth in Paragraph 31 of the Complaint and, accordingly, said allegations are denied.

32. Denied. Defendant OARC is without knowledge or information sufficient to form a belief about the truth of the allegations set forth in Paragraph 32 of the Complaint and, accordingly, said allegations are denied.

33. Denied. Defendant OARC is without knowledge or information sufficient to form a belief about the truth of the allegations set forth in Paragraph 33 of the Complaint and, accordingly, said allegations are denied.

34. Denied. Defendant OARC is without knowledge or information sufficient to form a belief about the truth of the allegations set forth in Paragraph 34 of the Complaint and, accordingly, said allegations are denied.

35. Denied. Paragraph 35 of the Complaint states conclusions of law to which no response is required and, accordingly, is denied. By way of further response, the allegations in Paragraph 35 of the Complaint do not relate to Defendant OARC in any way and are denied.

36. Denied. Defendant OARC is without knowledge or information sufficient to form a belief about the truth of the allegations set forth in Paragraph 36 of the Complaint and, accordingly, said allegations are denied.

37. Denied. The allegations in Paragraph 37 of the Complaint do not relate to Defendant OARC in any way and are denied.

38. Denied. The allegations in Paragraph 38 of the Complaint do not relate in any way to Defendant OARC and are denied.

39. Denied. The allegations in Paragraph 39 of the Complaint do not relate in any way to Defendant OARC and are denied.

40. Denied. The allegations in Paragraph 40 of the Complaint do not relate in any way to Defendant OARC and are denied.

41. Denied. The allegations in Paragraph 41 of the Complaint do not relate in any way to Defendant OARC and are denied.

42. Denied. Defendant OARC is without knowledge or information sufficient to form a belief about the truth of the allegations set forth in Paragraph 42 of the Complaint and, accordingly, they are denied.

43. Denied. The allegations in Paragraph 43 of the Complaint do not relate to Defendant OARC in any way and are denied.

44. Denied. The allegations in Paragraph 44 of the Complaint do not relate to Defendant OARC in any way and are denied.

45. Denied. The allegations in Paragraph 45 of the Complaint do not relate to Defendant OARC in any way and are denied.

46. Denied. The allegations in Paragraph 46 of the Complaint do not relate to Defendant OARC in any way and are denied.

47. Denied. The allegations in Paragraph 47 of the Complaint do not relate to Defendant OARC in any way and are denied.

48. Denied. The allegations in Paragraph 48 state conclusions of law to which no response is required, and, accordingly, said allegations are denied. By way of further response, the allegations in Paragraph 48 of the Complaint do not relate to Defendant OARC in any way and are denied.

49. Denied. The allegations in Paragraph 49 of the Complaint do not relate to Defendant OARC in any way and are denied.

50. Denied. The allegations in Paragraph 50 state conclusions of law to which no response is required, and, accordingly, said allegations are denied. By way of further response, the allegations in Paragraph 50 of the Complaint do not relate to Defendant OARC in any way and are denied.

51. Denied. The allegations in Paragraph 51 of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. To the extent that it is deemed that Paragraph 51 alleges statements of fact, Defendant OARC admits only that at some point in time, Defendant OARC met with Plaintiff Smallwood to discuss the Plaintiff's organization and that Plaintiff Smallwood expressed an interest in partnering with OARC in some way. The remaining allegations in Paragraph 51 are denied.

52. Denied based on information and belief.

53. Denied. Defendant OARC is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 53 and, accordingly, said allegations are denied.

54. Denied.

55. Denied.

56. Denied. The allegations in Paragraph 56 state conclusions of law to which no response is required and, accordingly, said allegations are denied. To the extent that Paragraph 56 of the Complaint purports to state allegations of fact that relate to OARC, said allegations are denied.

57. Denied. The allegations in Paragraph 57 state conclusions of law to which no response is required and, accordingly, said allegations are denied. To the extent that Paragraph 57 of the Complaint purports to state allegations of fact that relate to OARC, said allegations are denied.

58. Denied.

59. Denied.

60. Denied.

61. Denied.

62. Denied.

63. Denied. The allegations in Paragraph 63 of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. To the extent that Paragraph 63 contains allegations of fact, said allegations are denied as to Defendant OARC.

64. Denied. The allegations set forth in Paragraph 64 are vague, ambiguous and incomprehensible as, among other reasons, it is unclear whether said allegations are intended to pertain to the Plaintiff's subjective beliefs, an alleged plan of action by OARC or something altogether different. Accordingly, said allegations are denied.

65. Denied. The allegations in Paragraph 65 of the Complaint do not relate to Defendant OARC in any way and are denied.

66. Denied. The allegations in Paragraph 66 of the Complaint state conclusions of law to which no response is required and are denied. To the extent that the allegations in Paragraph 66 are factual allegations, said allegations are denied.

67. Denied.

68. Denied. The allegations in Paragraph 68 of the Complaint do not relate to Defendant OARC in any way and are denied.

69. Denied.

70. Denied.

71. Denied. The allegations in Paragraph 71 of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. By way of further response, the allegations in Paragraph 71 of the Complaint do not pertain to Defendant OARC in any way are denied.

72. Denied. The allegations in paragraph 72 of the Complaint do not pertain to Defendant OARC in any way and are denied.

73. Denied. The allegations in Paragraph 73 of the Complaint do not relate to Defendant OARC in any way and are denied.

74. Denied. The allegations in Paragraph 74 of the Complaint do not relate into Defendant OARC in any way and are denied.

75. Denied. The allegations in Paragraph 75 of the Complaint do not relate to Defendant OARC in any way and are denied.

76. Denied. Defendant OARC is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 76 and, accordingly, said allegations are denied.

77. Denied. The allegations contained in Paragraph 77 of the Complaint do not relate in any way to Defendant OARC and are denied.

78. Denied. The allegations contained in Paragraph 78 of the Complaint do not relate in any way to Defendant OARC and are denied.

79. Denied. The allegations contained in Paragraph 79 of the Complaint do not relate in any way to Defendant OARC and are denied.

80. Denied. The allegations set forth in Paragraph 80 of the Complaint do not relate in any way to Defendant OARC and are denied.

81. Denied. The allegations set forth in Paragraph 81 of the Complaint do not relate in any way to Defendant OARC and are denied.

82. Denied. The allegations set forth in Paragraph 82 of the Complaint do not relate in any way to Defendant OARC and are denied.

83. Denied. The allegations set forth in Paragraph 83 of the Complaint do not relate in any way to Defendant OARC and are denied.

84. Denied. The allegations set forth in Paragraph 84 of the Complaint do not relate in any way to Defendant OARC and are denied.

85. Denied. The allegations in Paragraph 85 of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. To the extent that Paragraph 85 alleges statements of fact that purport to relate to Defendant OARC, said allegations are denied.

86. Denied. The allegations in Paragraph 86 of the Complaint state conclusions of law to which no response is required and are denied. To the extent that Paragraph 86 alleges facts that purport to relate to Defendant OARC, said allegations are denied.

87. Denied.

88. Denied. The allegations in Paragraph 88 of the Complaint state conclusions of law to which no response is required and are denied. To the extent that Paragraph 88 alleges facts that purport to relate to Defendant OARC, said allegations are denied.

89. Denied. By way of further response Defendant OARC explicitly denies any alleged “theft” of Plaintiff’s program and is in no way responsible for having any impact whatsoever on Plaintiff’s ability to obtain donations and/or funding.

90. Denied. The allegations in Paragraph 90 of the Complaint state conclusions of law to which no response is required and are accordingly denied. To the extent that Paragraph 90 alleges facts that purport to relate to Defendant OARC, said allegations are denied.

91. Denied. Paragraph 91 does nothing but repeat the caption of the Complaint and reference the manner in which Plaintiffs collectively refer to the Defendants, and as such it contains no allegations of fact or law which would require a response. To extent it could be otherwise construed, it is denied.

92. The allegations in Paragraph 92 of the Complaint are incomprehensible and are accordingly denied. By way of further response, said allegations do not relate in any way to Defendant OARC and are denied.

93. Denied. The allegations in Paragraph 93 of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. By way of further response, said allegations do not relate in any way to Defendant OARC and are denied.

94. Denied. The allegations in Paragraph 94 of the Complaint do not relate in any way to Defendant OARC and are denied.

95. Denied. The allegations set forth in Paragraph 95 of the Complaint do not relate to Defendant OARC in any way and are denied.

96. Denied. The allegations set forth in Paragraph 96 of the Complaint do not relate in any way to Defendant OARC and are denied. By way of further response, Defendant OARC

is without knowledge or information sufficient to form a belief about the truth of the allegations set forth in Paragraph 96 of the Complaint.

97. Denied. The allegations set forth in Paragraph 97 do not relate in any way to Defendant OARC and are denied.

98. Denied. The allegations set forth in Paragraph 98 of the Complaint do not relate in any way to Defendant OARC and are denied.

99. Denied. The allegations set forth in Paragraph 99 of the Complaint do not relate in any way to Defendant OARC and are denied.

100. Denied. The allegations in Paragraph 100 of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. By way of further response, the allegations set forth in Paragraph 100 of the Complaint do not relate in any way to Defendant OARC and are denied.

101. Denied. The allegations in Paragraph 101 of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. By way of further response, said allegations do not relate in any way to Defendant OARC and are denied.

102. Denied. The allegations in Paragraph 102 do not relate in any way to Defendant OARC and are denied.

103. Denied. The allegations set forth in Paragraph 103 of the Complaint do not relate in any way to Defendant OARC and are denied.

104. Denied. The allegations set forth in Paragraph 104 of the Complaint do not relate in any way to Defendant OARC and are denied.

105. Denied. The allegations set forth in Paragraph 105 of the Complaint state conclusions of law to which no response is required. By way of further response, said allegations do not relate in any way to Defendant OARC and are denied.

106. The allegations set forth in Paragraph 106 of the Complaint do not relate in any way to Defendant OARC and are denied.

107. Denied. The allegations set forth in Paragraph 107 of the Complaint do not relate in any way to Defendant OARC and are denied.

108. Denied. The allegations in Paragraph 108 of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. By way of further response, the allegations set forth in Paragraph 108 of the Complaint do not relate in any way to Defendant OARC and are denied.

109. Denied. The allegations set forth in Paragraph 109 of the Complaint do not relate in any way to Defendant OARC and are denied.

110. Denied. The allegations set forth in Paragraph 110 of the Complaint do not relate in any way to Defendant OARC and are denied.

111. Denied. The allegations within Paragraph 111 state conclusions of law to which no response is required, and, accordingly, said allegations are denied. By way of further response, the allegations set forth in Paragraph 111 do not relate in any way to Defendant OARC and are denied.

112. Denied. The allegations set forth in Paragraph 112 of the Complaint do not relate in any way to Defendant OARC and said allegations are denied.

113. Denied. The allegation set forth in Paragraph 113 of the Complaint does not relate in any way to Defendant OARC and is denied.

114. Denied. The allegations set forth in Paragraph 114 of the Complaint do not relate in any way to Defendant OARC and are denied.

115. Denied. The allegations set forth in Paragraph 115 of the Complaint do not relate in any way to Defendant OARC and are denied.

116. Denied. The allegations set forth in Paragraph 116 of the Complaint do not relate in any way to Defendant OARC and are denied.

117. Denied. The allegations in Paragraph 117 of the Complaint state conclusions of law to which no response is required and said allegations are, accordingly, denied. By way of further response, the allegations set forth in Paragraph 117 of the Complaint do not relate in any way to Defendant OARC and are denied.

118. Denied. The allegations set forth in Paragraph 118 of the Complaint do not relate in any way to Defendant OARC and are denied.

119. Denied. The allegations set forth in Paragraph 119 of the Complaint do not relate in any way to Defendant OARC and are denied.

120. Denied. The allegations set forth in Paragraph 120 of the Complaint do not relate in any way to Defendant OARC and are denied.

121. Denied. The allegations set forth in Paragraph 121 of the Complaint do not relate in any way to Defendant OARC and are denied.

122. Denied. The allegations set forth in Paragraph 122 of the Complaint do not relate in any way to Defendant OARC are denied.

123. Denied. The allegations in Paragraph 123 of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. By way of

further response, the allegations set forth in Paragraph 123 of the Complaint do not relate in any way to Defendant OARC and are denied.

124. Denied. The allegations in Paragraph 124 of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. By way of further response, the allegations set forth in Paragraph 124 of the Complaint do not relate in any way to Defendant OARC and are denied.

125. Denied. The allegations set forth in Paragraph 125 of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. By way of further response, the allegations set forth in Paragraph 125 of the Complaint do not relate in any way to Defendant OARC and are denied.

126. Denied. The allegations in Paragraph 126 of the Complaint do not relate in any way to Defendant OARC and are denied.

127. Denied. The allegations in Paragraph 127 of the Complaint do not relate in any way to Defendant OARC and are denied.

128. Denied. The allegations in Paragraph 128 of the Complaint do not relate in any way to Defendant OARC and are denied.

129. Denied as stated. Defendant OARC admits only that Rep. Dwight Evans along with concerned citizens from the community founded OARC in or about 1983. The remaining allegations in Paragraph 129 of the Complaint are denied.

130. Admitted.

131. Denied. The allegations in Paragraph 131 of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. By way of

further response, to the extent that Paragraph 131 purports to state factual allegations, said allegations are denied.

132. Denied. Defendant OARC admits only that it received certain state funding from Rep. Evans tenure on the House Appropriations Committee. The remaining allegations in Paragraph 132 of the Complaint are denied.

133. Denied. The allegations in Paragraph 133 of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. To the extent that this Paragraph purports to state allegations of fact relating to Defendant OARC, said allegations are denied.

134. Denied. The allegations in Paragraph 134 of the Complaint represent conclusions of law to which no response is required and, accordingly, said allegations are denied. By way of further response, the allegations in paragraph 134 of the Complaint do not relate in any way to OARC and are denied.

135. Denied. The allegations in Paragraph 135 of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. By way of further response, the allegations set forth in Paragraph 135 of the Complaint do not relate in any way to Defendant OARC and are denied.

136. Denied. The allegations in Paragraph 136 of the Complaint state conclusions of law to which no response is required, and, accordingly, said allegations are denied. By way of further response, the allegations in Paragraph 136 of the Complaint do not relate in any way to Defendant OARC and are denied.

137. Denied as stated. Defendant OARC admits only that the scope of its' mission as set forth in Paragraph 137 of the Complaint is accurate but not all inclusive. The remaining allegations in Paragraph 137 of the Complaint are denied.

138. Denied.

139. Denied as stated. OARC admits only that since 1999 it has received State funding. The remaining allegations in Paragraph 139 of the Complaint are denied.

140. Denied as stated. Defendant OARC admits only that it is a nonprofit corporation registered in Pennsylvania. The remaining allegations in Paragraph 140 of the Complaint are denied.

141. Denied as stated. Defendant OARC admits only that Rep. Evans along with other concerned citizens from the community founded OARC in or about 1983. The remaining allegations in Paragraph 141 of the Complaint are denied.

142. Admitted.

143. Denied. The allegation in Paragraph 143 of the Complaint states a conclusion of law to which no response is required and, accordingly, said allegation is denied. To the extent that said paragraph purports to state factual allegations as to Defendant OARC, said allegations are denied.

144. Denied. The allegations in Paragraph 144 of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. To the extent that said Paragraph purports to state allegations of fact relating to Defendant OARC, said allegations are denied.

145. Admitted in part, denied in part. Defendant OARC admits only that, at all times alleged by Plaintiffs to be relevant to this Complaint, Jack Kitchen was the President and CEO of OARC. Defendant denies the remaining allegations in Paragraph 145 of the Complaint.

146. Denied.

147. Denied.

148. Denied. The allegations in Paragraph 148 of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. By way of further response, the allegations in Paragraph 148 of the Complaint are denied.

Jurisdiction and Venue

1. Denied. The allegations in Paragraph 1 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied.

2. Denied. The allegations in Paragraph 2 of this section of the Complaint state conclusions of law to which no response is required and are, accordingly, denied. By way of further response, to the extent that said paragraph alleges facts relating to Defendant OARC, apart from the fact that Defendant OARC does business in Pennsylvania, said allegations are denied.

3. The allegations in Paragraph 3 of this section of the Complaint state conclusions of law to which no response is required and are, accordingly, denied.

Causes of Action

Count I- Fraud on the Public by an Elected Official & Office

4. Defendant OARC hereby incorporates by reference, repeats and reasserts its responses to the preceding paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

5. Denied. The allegations set forth in Paragraph 5 of this section of the Complaint do not relate in any way to Defendant OARC and are denied.

6. Denied. The allegations set forth in Paragraph 6 of this section of the Complaint do not relate in any way to Defendant OARC and said allegations are denied.

7. Denied. The allegations set forth in Paragraph 7 of this section of the Complaint do not relate in any way to Defendant OARC and said allegations are denied.

8. Denied. The allegations set forth in Paragraph 8 of this section of the Complaint do not relate in any way to Defendant OARC and said allegations are denied.

9. Denied. The allegations set forth in Paragraph 9 of this section of the Complaint do not relate in any way to Defendant OARC and said allegations are denied.

10. Denied. The allegations in Paragraph 10 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. By way of further response, the allegations set forth in Paragraph 10 of this section of the Complaint do not relate in any way to Defendant OARC and are denied.

11. Denied. The allegations in Paragraph 11 of this section of the Complaint state conclusions of law to which no response is required and are, accordingly, denied. By way of further response, the allegations set forth in Paragraph 11 of this section of the Complaint do not relate in any way to Defendant OARC and are denied.

12. Denied. The allegations in Paragraph 12 of this section of the Complaint state conclusions of law to which no response is required and are, accordingly, denied. By way of further response, the allegations set forth in Paragraph 12 of this section of the Complaint do not relate in any way to Defendant OARC and are denied.

Count II - Fraud

13. Defendant OARC hereby incorporates by reference, repeats and reasserts its responses to the preceding paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

14. Denied. The allegations in Paragraph 14 of this section of the Complaint state conclusions of law to which no response is required and are, accordingly, denied. To the extent that it is deemed that said paragraph states factual allegations that relate in any way to Defendant OARC, said allegations are denied.

15. Denied.

16. Denied. The allegations in Paragraph 16 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. To the extent that it is deemed that said paragraph states factual allegations that relate in any way to Defendant OARC, said allegations are denied.

17. Denied. The allegations in Paragraph 17 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. To the extent that it is deemed that said paragraph states factual allegations that relate in any way to Defendant OARC, said allegations are denied.

18. Denied. The allegations in Paragraph 18 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied.

19. Denied as stated. By way of further response, Defendant OARC admits only that it met with Plaintiff Smallwood on one or two occasions to discuss with Plaintiff Smallwood his interest in potentially working with Defendant OARC and that Defendant OARC at all times acted in good faith in its dealings with Plaintiff. The remaining allegations in Paragraph 19 of this portion of the Complaint are denied.

20. Denied.

21. Denied. The allegations in Paragraph 21 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. To the extent that Paragraph 21 of this Complaint contains factual allegations relating to Defendant OARC, said allegations are denied. By way of further response, Defendant OARC at no time requested or, to its knowledge, received any confidential information from Mr. Smallwood.

22. Denied. The allegations in Paragraph 22 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. By way of further response, to the extent that it is deemed that said paragraph states factual allegations that relate in any way to Defendant OARC, said allegations are denied.

23. Denied. The allegations in Paragraph 23 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. To the extent that Paragraph 23 alleges facts that purport to relate to Defendant OARC, said allegations are denied.

24. Denied. The allegations in Paragraph 24 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. By way of further response, Defendant OARC has no knowledge of what Plaintiff subjectively believed and, accordingly, said allegations in Paragraph 24 of this section of the Complaint are denied. Defendant denies each and every remaining allegation in Paragraph 24 of this section of the Complaint.

25. Denied. The allegations in Paragraph 25 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied.

To the extent that Paragraph 25 alleges facts that purport to relate to Defendant OARC, said allegations are denied.

26. Denied. The allegations in Paragraph 26 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. To the extent that Paragraph 26 alleges facts that purport to relate to Defendant OARC, said allegations are denied.

27. Denied. The allegations in Paragraph 27 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. To the extent that Paragraph 27 alleges facts that purport to relate to Defendant OARC, said allegations are denied.

28. Denied. The allegations in Paragraph 28 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. To the extent that Paragraph 28 alleges facts that purport to relate to Defendant OARC, said allegations are denied.

29. Denied. The allegations in Paragraph 29 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. By way of further response, Defendant OARC never used or “exploited” “The Choice is Yours” name or materials.

WHEREFORE, Defendant Ogontz Avenue Revitalization Corp. denies that Plaintiffs are entitled to judgment in any manner or amount, and respectfully asks that the Court enter judgment against Plaintiffs, and award Defendant Ogontz Avenue Revitalization Corp. its costs, attorneys’ fees, and such other relief as the Court may deem just and equitable.

Count III – Civil Conspiracy

30. Defendant OARC hereby incorporates by reference, repeats and reasserts its responses to the preceding paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

31. Denied. The allegations in Paragraph 31 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. To the extent that Paragraph 31 alleges facts that purport to relate to Defendant OARC, said allegations are denied.

32. Denied. The allegations in Paragraph 32 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. To the extent that Paragraph 32 alleges facts that purport to relate to Defendant OARC, said allegations are denied.

33. Denied. The allegations in Paragraph 33 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. To the extent that Paragraph 33 alleges facts that purport to relate to Defendant OARC, said allegations are denied.

34. Denied. The allegations in Paragraph 34 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. To the extent that Paragraph 34 alleges facts that purport to relate to Defendant OARC, said allegations are denied.

35. Denied. The allegations in Paragraph 35 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. To the extent that Paragraph 35 alleges facts that purport to relate to Defendant OARC, said allegations are denied.

36. Denied. The allegations in Paragraph 36 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. By way of further response, the allegations in Paragraph 36 of the Complaint do not relate to defendant OARC in any way and are denied.

WHEREFORE, Defendant Ogontz Avenue Revitalization Corp. denies that Plaintiffs are entitled to judgment in any manner or amount, and respectfully asks that the Court enter judgment against Plaintiffs, and award Defendant Ogontz Avenue Revitalization Corp. its costs, attorneys' fees, and such other relief as the Court may deem just and equitable.

Count IV - Federal Civil RICO

37. Defendant OARC hereby incorporates by reference, repeats and reasserts its responses to the preceding paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

38. Denied. The allegations in Paragraph 38 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied.

39. Denied. The allegations in Paragraph 39 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. To the extent that Paragraph 39 alleges facts that purport to relate to Defendant OARC, said allegations are denied.

40. Denied. The allegations in Paragraph 40 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. To the extent that Paragraph 40 alleges facts that purport to relate to Defendant OARC, said allegations are denied.

41. Denied. The allegations in Paragraph 41 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied.

To the extent that Paragraph 41 alleges facts that purport to relate to Defendant OARC, said allegations are denied.

42. Denied. The allegations in Paragraph 42 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. To the extent that Paragraph 42 alleges facts that purport to relate to Defendant OARC, said allegations are denied.

43. Denied. The allegations in Paragraph 43 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. To the extent that Paragraph 43 alleges facts that purport to relate to Defendant OARC, said allegations are denied.

44. Denied. The allegations in Paragraph 44 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. To the extent that Paragraph 44 alleges facts that purport to relate to Defendant OARC, said allegations are denied.

45. Denied. The allegations in Paragraph 45 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. To the extent that Paragraph 45 alleges facts that relate in any way to Defendant OARC, said allegations are denied.

46. Denied. The allegations in Paragraph 46 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. To the extent that Paragraph 46 alleges facts that purport to relate to Defendant OARC, said allegations are denied.

47. Denied. The allegations in Paragraph 47 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. To the extent that Paragraph 47 alleges facts that purport to relate to Defendant OARC, said allegations are denied.

48. Denied. Paragraph 48 of this section of the Complaint fails to state any allegations. To the extent that Paragraph 48 of this section of the Complaint could be read as raising any allegations relating to Defendant OARC, said allegations are denied.

WHEREFORE, Defendant Ogontz Avenue Revitalization Corp. denies that Plaintiffs are entitled to judgment in any manner or amount, and respectfully asks that the Court enter judgment against Plaintiffs, and award Defendant Ogontz Avenue Revitalization Corp. its costs, attorneys' fees, and such other relief as the Court may deem just and equitable.

Count V- Trademark Infringement

49. Defendant OARC hereby incorporates by reference, repeats and reasserts its responses to the preceding paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

50. Denied.

51. Denied. The allegations in Paragraph 51 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. By way of further response, Defendant OARC denies the allegations set forth in Paragraph 51 of this section of the Complaint based on information and belief.

52. Denied. The allegations in Paragraph 52 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. To the extent that Paragraph 52 alleges facts that purport to relate to Defendant OARC, said allegations are denied.

53. Denied. The allegations in Paragraph 53 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. To the extent that Paragraph 53 alleges facts that purport to relate to Defendant OARC, said allegations are denied. By way of further response, Defendant OARC specifically denies that it “stole” Plaintiffs’ program.

54. Denied. The allegations in Paragraph 54 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. To the extent that Paragraph 54 alleges facts that purport to relate to Defendant OARC, said allegations are denied. By way of further response, Defendant OARC explicitly denies any alleged “theft” of Plaintiffs’ program and is in no way responsible for any damages Plaintiffs allege they have sustained.

55. Denied. The allegations in Paragraph 55 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. To the extent that Paragraph 55 alleges facts that purport to relate to Defendant OARC, said allegations are denied.

56. Denied. The allegations in Paragraph 56 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. To the extent that Paragraph 56 alleges facts that purport to relate to Defendant OARC, said allegations are denied.

57. Denied. The allegations in Paragraph 57 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. To the extent that Paragraph 57 alleges facts that purport to relate to Defendant OARC, said allegations are denied. By way of further response, Defendant OARC did not in any way use

Plaintiffs' program details and name, or in any way name, develop, promote or have any involvement whatsoever with the program referred to in Plaintiffs' Complaint as "[The Fake] The Choice is Yours."

58. Denied. The allegations in Paragraph 58 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. To the extent that Paragraph 58 alleges facts that purport to relate to Defendant OARC, said allegations are denied. By way of further response, Defendant OARC explicitly denies any alleged "theft" of Plaintiffs' program and is in no way responsible for any damages Plaintiffs allege they have sustained.

59. Denied. The allegations in Paragraph 59 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. To the extent that Paragraph 59 alleges facts that purport to relate to Defendant OARC, said allegations are denied.

60. Denied. The allegations in Paragraph 60 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. To the extent that Paragraph 60 alleges facts that purport to relate to Defendant OARC, said allegations are denied.

61. Denied. The allegations in Paragraph 61 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. To the extent that Paragraph 61 alleges facts that purport to relate to Defendant OARC, said allegations are denied. By way of further response, Defendant OARC avers that it has not at any time copied and/or used Plaintiffs' alleged mark.

WHEREFORE, Defendant Ogontz Avenue Revitalization Corp. denies that Plaintiffs are entitled to judgment in any manner or amount, and respectfully asks that the Court enter judgment against Plaintiffs, and award Defendant Ogontz Avenue Revitalization Corp. its costs, attorneys' fees, and such other relief as the Court may deem just and equitable.

Count VI – Unfair Competition- Lanham Act, 15 U.S.C. § 1125 (a)

62. Defendant OARC hereby incorporates by reference, repeats and reasserts its responses to the preceding paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

63. Denied. The allegations in Paragraph 63 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. By way of further response, Defendant OARC is without knowledge or information sufficient to form a belief about the truth of the allegations set forth in Paragraph 63 of this section of the Complaint and, accordingly, said allegations are denied.

64. Denied. The allegations in Paragraph 64 of this section of the Complaint state conclusions of law to which no response is required, and, accordingly, said allegations are denied. By way of further response, to the extent that Paragraph 64 alleges facts that purport to relate to Defendant OARC, said allegations are denied.

65. Denied. By way of further response, Defendant OARC avers that it has not at any time named, developed, promoted or had any involvement whatsoever with the program referred to in Plaintiffs' Complaint as '[The Fake] The Choice is Yours.'

66. Denied. The allegations in Paragraph 66 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. By way of further response, Defendant OARC avers that it has not at any time named,

developed, promoted or had any involvement whatsoever with the program referred to in Plaintiffs' Complaint as '[The Fake] The Choice is Yours.'

67. Denied. The allegations in Paragraph 67 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. By way of further response, Defendant OARC avers that it has not at any time named, developed, promoted or had any involvement whatsoever with the program referred to in Plaintiffs' Complaint as '[The Fake] The Choice is Yours,' nor has Defendant OARC ever used the name "The Choice is Yours."

68. Denied. The allegations in Paragraph 68 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. By way of further response, Defendant OARC avers that it has not at any time named, developed, promoted or had any involvement whatsoever with the program referred to in Plaintiffs' Complaint as '[The Fake] The Choice is Yours,' nor has Defendant OARC ever used the name "The Choice is Yours."

69. Denied. The allegations in Paragraph 69 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. By way of further response, Defendant OARC avers that it has not at any time named, developed, promoted or had any involvement whatsoever with the program referred to in Plaintiffs' Complaint as '[The Fake] The Choice is Yours,' nor has Defendant OARC ever used the name "The Choice is Yours."

70. Denied. The allegations in Paragraph 70 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. By way of further response, Defendant OARC avers that it has not at any time named,

developed, promoted or had any involvement whatsoever with the program referred to in Plaintiffs' Complaint as '[The Fake] The Choice is Yours,' nor has Defendant OARC ever used the name "The Choice is Yours."

71. Denied. The allegations in Paragraph 71 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. By way of further response, Defendant OARC avers that it has not at any time named, developed, promoted or had any involvement whatsoever with the program referred to in Plaintiffs' Complaint as '[The Fake] The Choice is Yours,' nor has Defendant OARC ever used the name "The Choice is Yours" or in any way damaged Plaintiffs through use of that name.

WHEREFORE, Defendant Ogontz Avenue Revitalization Corp. denies that Plaintiffs are entitled to judgment in any manner or amount, and respectfully asks that the Court enter judgment against Plaintiffs, and award Defendant Ogontz Avenue Revitalization Corp. its costs, attorneys' fees, and such other relief as the Court may deem just and equitable.

Count VIII- Breach of Contract

72. Defendant OARC hereby incorporates by reference, repeats and reasserts its responses to the preceding paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

73. Denied. The allegation in Paragraph 73 of this section of the Complaint is a conclusion of law to which no response is required and, accordingly, said allegation is denied. By way of further response, Defendant OARC never entered into the alleged contracts and this allegation is denied.

74. Denied. The allegations set forth in Paragraph 74 of this section of the Complaint do not relate in any way to Defendant OARC and said allegations are denied.

75. Denied. The allegations set forth in Paragraph 75 of this section of the Complaint do not relate in any way to Defendant OARC and are denied.

76. Denied. The allegations in Paragraph 76 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. By way of further response, to the extent that Paragraph 76 alleges facts that purport to relate to Defendant OARC, said allegations are denied.

77. Denied. The allegations in Paragraph 77 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. By way of further response, the allegations set forth in Paragraph 77 of this section of the Complaint do not relate in any way to Defendant OARC and are denied.

78. Denied as stated. Defendant OARC admits, based on information and belief, that it met with Mr. Smallwood on one or two occasions in or around 2011 and that Rep. Evans was present at one of those meetings. Defendant OARC has no knowledge as to whether Mr. Smallwood met with Lenfest at any time, and, accordingly, that allegation is denied. The remaining allegations in Paragraph 78 of this section of the Complaint are denied.

79. Denied as stated. Defendant OARC denies that it made any of the representations alleged in Paragraph 79 of this section of the Complaint and further denies that Rep. Evans made any such representations during the meeting that he attended with Mr. Smallwood and OARC. Defendant OARC has no knowledge as to whether Rep. Evans met with Mr. Smallwood outside of the presence of OARC and, accordingly, any such allegations are denied. Defendant OARC has no knowledge as to whether Mr. Smallwood ever met with Lenfest and/ or the content of any such communications and, accordingly, said allegations are denied. The remaining allegations set forth in Paragraph 79 of this section of the Complaint are denied.

80. Denied. The allegations in Paragraph 80 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. By way of further response, to the extent that Paragraph 80 alleges facts that purport to relate to Defendant OARC, said allegations are denied.

81. Denied. The allegations in Paragraph 81 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. By way of further response, Defendant OARC never entered into or breached an alleged contract with Plaintiffs and explicitly denies any alleged “theft” or facilitation or participation in an alleged “theft” of Plaintiffs’ program.

82. Denied. The allegations in Paragraph 82 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. By way of further response, to the extent that Paragraph 82 of this section of the Complaint alleges facts that purport to relate to Defendant OARC, said allegations are denied.

WHEREFORE, Defendant Ogontz Avenue Revitalization Corp. denies that Plaintiffs are entitled to judgment in any manner or amount, and respectfully asks that the Court enter judgment against Plaintiffs, and award Defendant Ogontz Avenue Revitalization Corp. its costs, attorneys’ fees, and such other relief as the Court may deem just and equitable.

Count VIII – Misappropriation of Ideas

83. Defendant OARC hereby incorporates by reference, repeats and reasserts its responses to the preceding paragraphs of Plaintiffs’ Complaint, as if fully set forth herein.

84. Denied. The allegations in Paragraph 84 of this section of the Complaint state conclusions of law to which no response is required, and, accordingly, said allegations are denied. By way of further response, Defendant OARC is without knowledge or information

sufficient to form a belief about the truth of the allegations in Paragraph 84 of this section of Plaintiff's Complaint and, accordingly, said allegations are denied.

85. Denied. Defendant OARC is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 85 of this section of Plaintiff's Complaint and, accordingly, said allegations are denied.

86. Denied. Paragraph 86 of this section of the Complaint states conclusions of law to which no response is required and accordingly are denied. Defendant OARC is without knowledge or information sufficient to form a belief about the truth of any factual allegations set forth in Paragraph 86 of this section of Plaintiff's Complaint and, accordingly, said allegations are denied.

87. Denied. The allegations in Paragraph 87 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. To the extent that Paragraph 87 of this section of the Complaint alleges facts that purport to relate to Defendant OARC, said allegations are denied.

88. Denied. The allegations in Paragraph 88 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. To the extent that Paragraph 88 of this section of the Complaint alleges facts that purport to relate to Defendant OARC, said allegations are denied. By way of further response, Defendant OARC explicitly denies misappropriating any ideas or property rights pertaining to Plaintiffs and avers that it has not at any time named, developed, promoted, or had any involvement whatsoever with the program referred to in Plaintiffs' Complaint as "[The Fake] The Choice is Yours."

89. Denied. The allegations in Paragraph 89 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. By way of further response, Defendant OARC explicitly denies exploiting or using “The Choice is Yours” name or program at any time and avers that it has not at any time, named, developed, promoted or had any involvement whatsoever with the program referred to in Plaintiffs’ Complaint as “[The Fake] The Choice is Yours.”

90. Denied. The allegations in Paragraph 90 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. By way of further response, Defendant OARC explicitly denies exploiting or using “The Choice is Yours” name or program at any time and avers that it has not at any time, named, developed, promoted or had any involvement whatsoever with the program referred to in Plaintiffs’ Complaint as “[The Fake] The Choice is Yours.”

91. Denied. The allegations in Paragraph 91 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. To the extent that Paragraph 91 of this section of the complaint alleges facts that purport to relate to Defendant OARC, said allegations are denied.

92. Denied. The allegations in Paragraph 92 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. To the extent that Paragraph 92 of this section of the complaint alleges facts that purport to relate to Defendant OARC, said allegations are denied.

WHEREFORE, Defendant Ogontz Avenue Revitalization Corp. denies that Plaintiffs are entitled to judgment in any manner or amount, and respectfully asks that the Court enter

judgment against Plaintiffs, and award Defendant Ogontz Avenue Revitalization Corp. its costs, attorneys' fees, and such other relief as the Court may deem just and equitable.

Count IX – Unjust Enrichment/Quantum Meruit

93. Defendant OARC hereby incorporates by reference, repeats and reasserts its responses to the preceding paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

94. Denied. By way of further response, Defendant OARC avers that it has not at any time used "The Choice is Yours" name or mark, nor has OARC at any time developed, promoted or had any involvement whatsoever with the program referred to in Plaintiff's Complaint as "[The Fake] Choice is Yours."

95. Denied. The allegations in Paragraph 95 of this section of the Complaint state conclusions of law (or equity) to which no response is required and, accordingly, said allegations are denied. To the extent that Paragraph 95 of this section of the complaint alleges facts that purport to relate to Defendant OARC, said allegations are denied. By way of further response, Defendant OARC avers that it has not at any time used "The Choice is Yours" name or mark, nor has OARC at any time developed, promoted or had any involvement whatsoever with the program referred to in Plaintiff's Complaint as "[The Fake] Choice is Yours."

96. Denied. The allegations in Paragraph 96 of this section of the Complaint state conclusions of law (or equity) to which no response is required and, accordingly, said allegations are denied. To the extent that Paragraph 96 of this section of the Complaint alleges facts that purport to relate to Defendant OARC, said allegations are denied.

97. Denied. The allegations in Paragraph 97 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied.

By way of further response, Defendant OARC avers that it never copied, duplicated or otherwise used “The Choice is Yours” name, program, organization, or mark.

98. Denied. The allegations in Paragraph 98 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. By way of further response, to the extent that Paragraph 98 alleges facts that purport to relate to Defendant OARC, said allegations are denied.

99. Denied. The allegations in Paragraph 99 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. To the extent that Paragraph 99 of this section of the Complaint contains allegations of fact, said allegations are denied.

100. Denied. The allegations in Paragraph 100 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. To the extent that Paragraph 100 of this section of the Complaint contains allegations of fact, said allegations are denied.

WHEREFORE, Defendant Ogontz Avenue Revitalization Corp. denies that Plaintiffs are entitled to judgment in any manner or amount, and respectfully asks that the Court enter judgment against Plaintiffs, and award Defendant Ogontz Avenue Revitalization Corp. its costs, attorneys’ fees, and such other relief as the Court may deem just and equitable.

Count X – Equitable Relief – Right of Attribution

101. Defendant OARC hereby incorporates by reference, repeats and reasserts its responses to the preceding paragraphs of Plaintiffs’ Complaint, as if fully set forth herein.

102. Denied. The allegation set forth in Paragraph 102 of this section of the Complaint is a conclusion of law (or equity) to which no response is required and, accordingly, said

allegation is denied. By way of further response, to the extent that Plaintiffs' purport to allege theft of intellectual property by Defendant OARC said allegation is expressly denied.

103. Denied. Defendant OARC is without knowledge or information sufficient to form a belief about the truth of the allegations set forth in Paragraph 103 of this section of the Plaintiff's Complaint, and, accordingly, said allegations are denied.

104. Denied. The allegations in Paragraph 104 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. To the extent that Paragraph 104 alleges facts that purport to relate to Defendant OARC, said allegations are denied. By way of further response, Defendant OARC explicitly denies any alleged theft or exploitation of intellectual property belonging to Plaintiff.

105. Denied. The allegations in Paragraph 105 of this section of the Complaint do not relate to Defendant OARC in any way and are denied.

106. Denied. The allegations in Paragraph 106 of this section of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. To the extent that Paragraph 106 of this section of the Complaint alleges facts that purport to relate to Defendant OARC, said allegations are denied.

107. Denied. The allegations in Paragraph 107 of the Complaint state conclusions of law to which no response is required and, accordingly, said allegations are denied. To the extent that Paragraph 107 of this section of the Complaint alleges facts that purport to relate to Defendant OARC, said allegations are denied. By way of further response, Defendant OARC explicitly denies any alleged exploitation of Plaintiffs' program.

108. Denied. The allegation in Paragraph 108 of this section of the Complaint is a conclusion of law to which no response is required and, accordingly, said allegation is denied.

109. Denied. The allegation in Paragraph 109 of this section of the Complaint is a conclusion of law (or equity) to which no response is required and, accordingly, said allegation is denied.

WHEREFORE, Defendant Ogontz Avenue Revitalization Corp. denies that Plaintiffs are entitled to judgment in any manner or amount, and respectfully asks that the Court enter judgment against Plaintiffs, and award Defendant Ogontz Avenue Revitalization Corp. its costs, attorneys' fees, and such other relief as the Court may deem just and equitable.

AFFIRMATIVE DEFENSES³

First Affirmative Defense

Defendant OARC asserts a continuing objection to the allegations in the Complaint as vague, ambiguous and generally incomprehensible; with each paragraph containing multiple allegations, many of which are based on a false premise and often fail to even specify the party against whom the allegations are asserted. As such, the Complaint fails to meet the standards for notice pleadings and should be stricken. Notwithstanding, these objections Defendant OARC has attempted to respond to the best of its ability.

Second Affirmative Defense

Plaintiffs' Complaint and each cause of action contained therein fails to state a claim for which relief can be granted.

Third Affirmative Defense

Plaintiffs' claims against Defendant OARC fail because Plaintiffs have suffered no harm as a result of any action or omission of Defendant OARC.

³ It should again be noted that Defendant Ogontz Avenue Revitalization Corp. ("OARC") states its Answer and Affirmative Defenses only with respect to the Complaint claims specifically relating to OARC. Defendant OARC has no knowledge of the facts or allegations relating to any other defendant or defendants named in the Complaint.

Fourth Affirmative Defense

Plaintiffs' claims are barred, in whole or in part, because their alleged harm, if any, was caused by the acts or omissions of third parties over whom Defendant OARC had no control.

Fifth Affirmative Defense

Plaintiffs' claims are barred, in whole or in part, by the doctrines of laches and/or the applicable statutes of limitation.

Sixth Affirmative Defense

Plaintiffs' claims are barred against Defendant OARC, because Defendant OARC acted in good faith and full compliance with federal and state laws, rules, and regulations at all relevant times.

Seventh Affirmative Defense

Plaintiffs' damages, if any, are barred, in whole or in part, by their failure to mitigate.

Eighth Affirmative Defense

Plaintiffs' Complaint is barred, in whole or in part, by the doctrines of estoppel, unclean hands, waiver, and/or acquiescence.

Ninth Affirmative Defense

Plaintiffs' claims are barred, in whole or in part, because the Complaint does not allege fraud with the requisite specificity.

Tenth Affirmative Defense

Plaintiffs' Complaint fails to state a claim for punitive damages against Defendant OARC, because at all relevant times, Defendant OARC made good faith efforts to comply with

applicable laws and did not act with malice or willful and/or reckless disregard or indifference toward Plaintiffs' rights or interests.

Eleventh Affirmative Defense

Plaintiffs' Civil RICO claim is barred, in whole or in part, because Plaintiffs have not alleged a proper RICO "enterprise."

Twelfth Affirmative Defense

Plaintiffs' Civil RICO claim is barred, in whole or in part, because an enterprise as defined by the RICO statute did not exist, let alone engage in, or have some effect on, interstate or foreign commerce.

Thirteenth Affirmative Defense

Plaintiffs' Civil RICO claim against Defendant OARC is barred, in whole or in part, because Defendant OARC did not conduct, operate, manage, associate with, or in any other way participate in the affairs of any RICO enterprise.

Fourteenth Affirmative Defense

Plaintiffs' Civil RICO claim is barred, in whole or in part, because a conspiracy as defined by the RICO statute does not exist.

Fifteenth Affirmative Defense

Plaintiffs' Civil RICO claim against Defendant OARC is barred, in whole or in part, because Defendant OARC did not engage in any RICO conspiracy.

Sixteenth Affirmative Defense

Plaintiffs' Civil RICO claim is barred, in whole or in part, because there was no pattern of racketeering activity as defined by the RICO statute.

Seventeenth Affirmative Defense

Plaintiffs' Civil RICO claim against Defendant OARC is barred, in whole or in part, because Defendant OARC was in no way whatsoever involved in any pattern of racketeering activity as defined by the RICO statute.

Eighteenth Affirmative Defense

Plaintiffs' Civil RICO claim against Defendant OARC is barred, in whole or in part, because Defendant OARC did not commit or agree to the commission of any activities that violated the RICO statute.

Nineteenth Affirmative Defense

Plaintiffs' Civil RICO claim against Defendant OARC is barred, in whole or in part, because Defendant OARC did not commit or agree to the commission of any predicate acts.

Twentieth Affirmative Defense

Plaintiffs' Civil RICO claim against Defendant OARC is barred, in whole or in part, because Defendant OARC had no knowledge of the alleged racketeering activities.

Twenty-First Affirmative Defense

Plaintiffs' Civil RICO claim is barred because it fails to meet the pleading requirements of a Civil RICO claim.

Twenty-Second Affirmative Defense

Plaintiffs' Trademark Infringement claim is barred because it fails to meet the pleading requirements of a common law trademark infringement claim.

Twenty-Third Affirmative Defense

Plaintiffs' Lanham Act claim is barred because it fails to meet the pleading requirements of a Lanham Act claim.

Twenty-Fourth Affirmative Defense

Plaintiffs' claims against Defendant OARC are baseless because, among other reasons, Defendant OARC never used the name, mark, and/or idea "The Choice is Yours," either in commerce, or in any other fashion.

Twenty-Fifth Affirmative Defense

Plaintiffs' claims against Defendant OARC are baseless because, among other reasons, Defendant OARC never developed, promoted, or otherwise had any involvement whatsoever with the program referred to in Plaintiffs' Complaint as "[The Fake] The Choice is Yours."

Twenty-Sixth Affirmative Defense

Plaintiffs' claims against Defendant OARC are barred, in whole or in part, because there is no likelihood of confusion between Plaintiffs' use of "The Choice is Yours" and Defendants' alleged use of "The Choice is Yours" in the marketplace.

Twenty-Seventh Affirmative Defense

Plaintiffs' claims against Defendant OARC are barred because the name, mark, program, and/or idea referred to in Plaintiffs' Complaint as "[The Real] The Choice is Yours" is neither famous nor distinctive.

Twenty-Eighth Affirmative Defense

Plaintiffs' are barred from recovering profits or other damages from Defendant OARC even if Defendant OARC were to be found to have infringed Plaintiffs' alleged trademark, because Plaintiffs did not provide the notice of registration required under 15 U.S.C. §1111, nor did Plaintiffs allege that Defendant OARC had actual notice of registration—which Defendant OARC specifically denies.

Twenty-Ninth Affirmative Defense

Plaintiffs' Breach of Contract claim against Defendant OARC is barred, because Defendant OARC never entered into nor breached any agreement with Plaintiffs.

Thirtieth Affirmative Defense

Defendant OARC adopt and incorporate by reference the defenses asserted by other defendants in this action to the extent that they provide a complete or partial defense to Plaintiffs' claims against Defendant OARC.

Thirty-First Affirmative Defense

Defendant OARC reserves the right to amend and/or supplement this Answer and to assert any additional defenses based upon the discovery of additional facts ascertained through continuing and ongoing investigation and discovery.

WHEREFORE, Defendant Ogontz Avenue Revitalization Corp. denies that Plaintiffs are entitled to judgment in any manner or amount, and respectfully asks that the Court enter

judgment against Plaintiffs, and award Defendant Ogontz Avenue Revitalization Corp. its costs, attorneys' fees, and such other relief as the Court may deem just and equitable.

Respectfully submitted,

BLANK ROME LLP

/s/Anthony B. Haller

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Attorneys for Defendant

Ogontz Avenue Revitalization Corp.

Dated: June 9, 2014

CERTIFICATE OF SERVICE

I, Anthony B. Haller, Esquire, hereby certify that, on June 9, 2014, a true and correct copy of the foregoing Answer and Affirmative Defenses of Defendant Ogontz Avenue Revitalization Corp. was served via ECF upon the following:

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